

~~1940~~ An article for treating injury or degeneration of cells of the inner ear [nerve damage], comprising:

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- (a) a semipermeable membrane suitable for implantation; and
 - (b) cells encapsulated within said membrane, wherein said cells secrete a neurotrophic factor comprising the amino acid sequence depicted in SEQ ID NOs: 1, 2, 3, 4 or 5 to promote the survival or function of cochlear hair cells and auditory neurons of the inner ear [Figure 4 (SEQ ID NO: 3 or 4)];

said membrane being permeable to the neurotrophic factor and impermeable to materials detrimental to said cells.

REJECTIONS UNDER 35 U.S.C. SECTION 112, FIRST PARAGRAPH

Claim 40 was rejected on the assertion that the application was enabling for treating the inner ear and/or hearing loss, but not for the treatment of nerve damage. The claim has been amended to more clearly claim the damage which is clearly treatable with the identified neurotrophic factor.

For the foregoing reasons and in view of the amendments, Applicant respectfully requests reconsideration of and withdrawal of the outstanding rejections. Applicant's representative would appreciate the opportunity to talk with the Examiner, on the telephone or in person, to facilitate the prosecution of the application.

Respectfully submitted,

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